

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 19-2015**

**EXECUTIVE ORDER GRANTING CLEMENCY
TO BARRY ALLAN BEACH**

WHEREAS, Barry Allan Beach (Department of Corrections No. 21520), has applied to the Montana Board of Pardons and Parole seeking clemency;

WHEREAS, the Board of Pardons and Parole has forwarded Mr. Beach's application to the Office of the Governor for review and a determination pursuant to Montana Code Annotated § 46-23-301, *et seq.*;

WHEREAS, in *Miller v. Alabama*, 132 S.Ct. 2455 (2012), the U.S. Supreme Court recognized the growing body of research showing "fundamental differences between juvenile and adult minds," and in particular the propensity of juveniles towards transient rashness, proclivity for risk, and inability to assess consequences, 132 S.Ct. at 2464-2465;

WHEREAS, life without parole forecloses the possibility of rehabilitation, and is an "especially harsh punishment for a juvenile, because he will almost inevitably serve more years and a greater percentage of his life in prison than an adult offender," 132 S.Ct. at 2466, quoting *Graham v. Florida*, 130 S.Ct. 2011 (2010);

WHEREAS, Mr. Beach was sentenced to 100 years incarceration without the possibility of parole for the murder of Kimberly Ann Nees;

WHEREAS, Mr. Beach was 17 years old at the time of the murder of Ms. Nees;

WHEREAS, Mr. Beach has served more than 30 years in prison for a crime committed when he was a juvenile;

WHEREAS, during his three decades of incarceration Mr. Beach has maintained a good institutional record in the Montana state prison system;

WHEREAS, in his 18 months of living and working in Billings, Mr. Beach demonstrated that he is capable of living a productive life and respecting society's rules;

WHEREAS, three psychological reports have been completed regarding Mr. Beach, and these reports conclude he poses minimal risk to public safety and is likely to successfully transition back into society; and,

WHEREAS, Mr. Beach has demonstrated an extended period of good conduct both in and out of prison, and the reasons for maintaining his 100-years-without-parole sentence at taxpayer expense diminish with each passing year.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, do hereby commute the sentence of Barry Allan Beach to time served, with an additional 10 years which shall be suspended. Mr. Beach shall serve the suspended portion of this sentence on probation under the supervision of the Department of Corrections, pursuant to the standard conditions of probation set out in Administrative Rule of Montana 20.7.1101 (1) through (10). Calculation of the suspended portion of this sentence shall begin upon the date and time this Order becomes effective, as set out below.

This Order is effective on November 20, 2015, at 12:00 p.m.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 20th day of November, 2015.


STEVE BULLOCK, Governor

ATTEST:


For LINDA MCCULLOCH, Secretary of State